



17w

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79447

Akira SAITO, et al.

Appln. No.: 10/758,562

Group Art Unit: 1632

Confirmation No.: 5978

Examiner: Unknown

Filed: January 16, 2004

For: NOVEL ONCOGENE, RECOMBINANT PROTEIN DERIVED THEREFROM, AND
USES THEREOF

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. T. NAGASE et al., DNA Research Vol. 3, No. 5 pp. 321-329 with supplement of pp. 341-358 (1996); published on October 31, 1996.
2. International Publication No.: WO 0055351, published September 21, 2000.
(previously submitted with IDS filed January 12, 2005)
3. T. Tuschl and A. Borkhardt, Molecular Interventions, Vol. 2 (3) pp. 158-67
(June 2002)

INFORMATION DISCLOSURE STATEMENT

U.S. Appl. No.: 10/758,562

4. Human myeloblast mRNA for KIAA0261 gene, partial cds. [online]. November 8, 1996. NCBI Entres Nucleotide, ACCESSION D87450 [Retrieved on 5-13-2005]. Retrieved from the internet:<URL:

<http://www.ncbi.nih.gov/entres/viewer.fcgi?1665788:OLDID:2861690>>

5. Homo sapiens FOE mRNA, complete cds. [online]. January 1, 2003. NCBI Entres Nucleotide, ACCESSION AF479418 [Retrieved on 5-13-2005]. Retrieved from the internet:<URL: <http://www.ncbi.nih.gov/entres/viewer.fcgi?27450619:NCBI:4287007>>

6. F. Verni et al., Genetics Vol. 154, No. 4, pages 1693-1710

One copy of each of the listed documents is submitted herewith, (except for reference previously submitted with IDS filed on January 12, 2005) along with a copy of the corresponding Singapore Search and Examination report dated May 13, 2005 issued in the corresponding Singapore Patent Application (citing reference #6) and a copy of the corresponding Japanese Office Action dated May 18, 2005, issued in the corresponding Japanese Patent Application, with an English translation of the pertinent portions thereof (citing references #1-5).

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/758,562

waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



Howard L. Bernstein
Registration No. 25,665

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 24, 2005

Substitute for Form 1449 A & B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/758,562
				Confirmation Number	5978
				Filing Date	January 16, 2004
				First Named Inventor	Akira SAITO
				Art Unit	1632
				Examiner Name	Unknown
Sheet 1 of 1				Attorney Docket Number	Q79447

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		WO	00/55351	A1	09-21-2000	Human Genome Sciences Inc.	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		T. NAGASE et al., DNA Research Vol. 3, No. 5 pp. 321-329 with supplement of pp. 341-358 (1996); published on October 31, 1996.	
		T. Tuschl and A. Borkhardt, Molecular Interventions, Vol. 2 (3) pp. 158-67 (June 2002)	
		Human myeloblast mRNA for KIAA0261 gene, partial cds. [online]. November 8, 1996. NCBI Entrez Nucleotide, ACCESSION D87450 [Retrieved on 5-13-2005]. Retrieved from the internet: <URL: http://www.ncbi.nih.gov/entrez/viewer.fcgi?1665788:OLDID:2861690 >	
		Homo sapiens FOE mRNA, complete cds. [online]. January 1, 2003. NCBI Entrez Nucleotide, ACCESSION AF479418 [Retrieved on 5-13-2005]. Retrieved from the internet: <URL: http://www.ncbi.nih.gov/entrez/viewer.fcgi?27450619:NCBI:4287007 >	
		F. Verni et al., Genetics Vol. 154, No. 4, pages 1693-1710	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.